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Third Draft  
27 January 1947

*Rec'd 28 Jan from  
Mr. Murphy*

A BILL

To promote the national security by providing for three functionally balanced military departments unified under a Secretary of the Armed Forces, and for their further integration, under a National Security Council, with all other executive departments and agencies of the Government concerned with the national security.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

SHORT TITLE

That this Act, divided into titles and sections according to the following table of contents, may be cited as the "National Security Act of 1947":

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## DECLARATION OF POLICY

SEC. 2. In enacting this legislation, it is the intent of Congress to provide a comprehensive program for the future security of the United States; to coordinate under civilian control the departments, agencies, and functions of the Government relating to the national security; to provide permanent machinery for the establishment of integrated programs for the most effective use of the nation's military, human, natural, and industrial resources in the interest of national security; to provide for coordination of the nation's foreign intelligence activities and for the central operation of foreign intelligence functions which can most effectively be performed centrally; to realize the economies that can be achieved through unified control or consolidation of supply and service functions; to prevent undesirable duplication and overlapping of functions; and to insure the existence of an efficient team of land, naval, and air forces to provide for our national security.

TITLE I - THE DEPARTMENTS OF THE ARMY, THE NAVY,  
AND THE AIR FORCE

## DEPARTMENT OF THE ARMY

SEC. 101. (a) The name of the Department of War is changed to the Department of the Army and the title of the Secretary of War is changed to Secretary of the Army. Corresponding changes shall be made in the titles of other officers and activities of the War Department as the Secretary of the Army determines to be appropriate. All laws, orders, regulations, and other actions relating to the Department of War or to any officer or activity whose title is changed under this section shall, in so far as they are not inconsistent with the provisions of this Act, be deemed to relate to the Department of the Army or to such officer or activity designated by his or its new title.

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(b) The term "Department of the Army" as used in this Act shall be construed to mean the Department of the Army at the seat of Government and all field headquarters, forces, reserve components, installations, activities, and functions under the control or supervision of the Department of the Army. .

(c) The Secretary of the Army shall cause a seal of office to be made for the Department of the Army, of such device as the President shall approve, and judicial notice shall be taken thereof.

#### DEPARTMENT OF THE NAVY

SEC.102. The term "Department of the Navy" as used in this Act shall be construed to mean the Department of the Navy at the seat of Government, the Headquarters, United States Marine Corps, the entire operating forces of the Navy (including naval aviation) and of the Marine Corps, including the reserve components of such forces, all field activities of the Department of the Navy, and the United States Coast Guard when operating as a part of the Navy pursuant to law.

#### DEPARTMENT OF THE AIR FORCE

SEC.103. The term "Department of the Air Force" as used in this Act shall be construed to mean the Department of the Air Force at the seat of Government and all field headquarters, forces, reserve components, installations, activities, and functions under the control or supervision of the Department of the Air Force.

#### ESTABLISHMENT OF THE DEPARTMENT OF THE AIR FORCE

SEC.104. (a) There is hereby established at the seat of Government an executive department to be known as the Department of the Air Force, which shall be administered by a Secretary of the Air Force, who shall be appointed from civilian life by the President, by and with the advice and consent of the Senate.

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(b) Section 158 of the Revised Statutes is amended to include the Department of the Air Force and the provisions of so much of Title IV of the Revised Statutes as now or hereafter amended as is not inconsistent with this Act, shall be applicable to the Department of the Air Force.

(c) The Secretary of the Air Force shall cause a seal of office to be made for the Department of the Air Force, of such device as the President shall approve, and judicial notice shall be taken thereof.

(d) There shall be in the Department of the Air Force not to exceed two Assistant Secretaries of the Air Force, who shall be appointed by the President by and with the advice and consent of the Senate, who shall perform such duties as may be prescribed by the Secretary of the Air Force, and who shall receive compensation at the rate of \$10,000 a year.

(e) The functions of the Secretary of the Army and of the Department of the Army, including those of any officer of such Department, in so far as they relate to the Department of the Air Force or the United States Air Force, their property and personnel, are hereby transferred to and vested in the Secretary of the Air Force and the Department of the Air Force: Provided, That, in order to permit an orderly transfer, the Secretary of the Army and the Secretary of the Air Force may agree that the Department of the Army shall continue for appropriate periods to exercise any of such functions, in so far as they relate to the Department of the Air Force or the United States Air Force, their property and personnel. All property, personnel, and records of the Department of the Army used principally in the exercise of functions transferred under this subsection are hereby transferred or assigned to the Department of the Air Force.

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## UNITED STATES AIR FORCE

SEC. 105. (a) The United States Air Force is hereby established under the Department of the Air Force. The Army Air Forces, the Air Corps, United States Army, and the General Headquarters Air Force (Air Force Combat Command), are hereby transferred to the United States Air Force.

(b) There shall be a Chief of Staff, United States Air Force, who shall be appointed by the President, by and with the advice and consent of the Senate for a term of four years from among the officers of general rank who are assigned to or commissioned in the United States Air Force. The Chief of Staff, United States Air Force, shall, subject to the direction of the President, or the Secretary of the Armed Forces, exercise command over the United States Air Force and shall be charged with the duty of carrying into execution all lawful orders and directions which may be transmitted to him. The functions of the Commanding General, Headquarters Air Force (Air Force Combat Command), and of the Chief of the Air Corps and of the Commanding General, Army Air Forces, shall be transferred to the Chief of Staff, United States Air Force. When such transfer becomes effective, the offices of the Chief of the Air Corps, United States Army, and Assistants to the Chief of the Air Corps, United States Army, provided for by the Act of June 4, 1920, as amended (41 Stat. 768), and Commanding General, General Headquarters Air Force, provided for by Section 5 of the Act of June 16, 1936 (49 Stat. 1525), shall cease to exist. While holding office as Chief of Staff, United States Air Force, the incumbent shall hold a grade and receive pay and allowances equivalent to those prescribed by law for the Chief of Staff, United States Army. The Chief of Staff, United States Army, the Chief of Naval Operations, and the Chief of Staff, United States Air Force, shall take rank between themselves according to their relative dates of appointment as such, and shall each take rank above all other officers on the active list of the Army, Navy, and Air Force: Provided, that nothing in this Act shall have the effect of changing the relative rank of the present Chief of Staff, United States Army and Chief of Naval Operations.

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(C) All commissioned officers, warrant officers, and enlisted men, commissioned, holding warrants, or enlisted, in the Air Corps, United States Army, or the Army Air Forces, including those assigned or detailed thereto, are hereby assigned to the United States Air Force. All other commissioned officers, warrant officers, and enlisted men, who are commissioned, hold warrants, or are enlisted, in any component of the Army of the United States and who are under the authority or command of the Commanding General, Army Air Forces, are hereby assigned to the Department of the Air Force and shall be under the authority or command of the Chief of Staff, United States Air Force. Personnel assigned under this subsection shall retain their existing commissions, warrants, or enlisted status in existing components of the armed forces unless otherwise altered or terminated in accordance with the existing law, and they shall not be deemed to have been appointed to a new or different office or grade from that held by them at the time of such assignment, or to have vacated their permanent or temporary appointments in an existing component of the armed forces solely by virtue of such assignment. No such assignment shall alter or prejudice the status of any individual so assigned, so as to deprive him of any right, benefit, or privilege to which he may be entitled under existing law.

(d) All property, records, installations, agencies, activities, projects, and civilian personnel under the jurisdiction, control, authority, or command of the Commanding General, Army Air Forces, are hereby transferred to the Department of the Air Force and shall be under the jurisdiction, control, authority, or command of the Chief of Staff, United States Air Force.

(e) For a period of two years from the date of enactment of this Act, and subject to the approval of the Secretary of the Armed Forces, personnel (both military and civilian), property, records, installations, agencies, activities, and projects may be transferred between the Departments of the Army and the Air Force, and between the Army of the United States and the United States Air Force, by agreement between the Secretary of the Army and the Secretary of the Air Force.

EFFECTIVE DATE OF TRANSFERS

SEC. 106. No transfer or assignment under section 104 or section 105 shall take effect until such date or dates as the President may prescribe, which date shall in each case be the earliest date deemed by the President to be practicable.



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TITLE II - UNIFIED ORGANIZATION OF THE ARMED FORCES

THE ARMED FORCES ESTABLISHMENT

SEC. 201. The Armed Forces Establishment shall consist of the Department of the Army, the Department of the Navy, and the Department of the Air Force, together with all other components and agencies created within the Establishment.

SECRETARY OF THE ARMED FORCES

SEC. 202. (a) As head of the Armed Forces Establishment there shall be a Secretary of the Armed Forces, who shall be appointed from civilian life by the President by and with the advice and consent of the Senate and who, under the direction of the President, shall have authority to establish common policies and common programs for the integrated operation of the three military departments and shall exercise control over and direct their common efforts to discharge their responsibility for national security, including the authority:

(1) to integrate the budget estimates of the military departments and other agencies within the Armed Forces Establishment, and submit such estimates to the Bureau of the Budget;

(2) to integrate general policy and plans, and coordinate procedures, governing research and development within the military departments, and to correlate them with the military production program;

(3) to formulate, to the extent desirable, general administrative policies and procedures for the three military departments.

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(4) to coordinate the procurement and distribution of supplies, the procurement of personnel, and the common use of facilities and services, and to assign responsibilities therefor, as appropriate.

Provided. That the Departments of the Army, Navy, and Air Force shall, under the overall direction of the Secretary of the Armed Forces, be administered as individual units by their respective Secretaries; And provided further, That nothing herein contained shall prevent the Secretary of any such department from presenting to the President, after first so informing the Secretary of the Armed Forces, any report or recommendation relating to his department which he may deem necessary or desirable.

(b) During the absence of the Secretary of the Armed Forces, or in case of a vacancy in that office, the Secretary of the Army, the Secretary of the Navy, or the Secretary of the Air Force shall act temporarily as Secretary of the Armed Forces, the precedence among them for that purpose shall be determined by the President or by the Secretary of the Armed Forces.

(c) The Secretary of the Armed Forces shall cause a seal of office to be made for the Armed Forces Establishment, of such device as the President shall approve, and judicial notice shall be taken thereof.

#### ASSISTANTS TO SECRETARY OF THE ARMED FORCES

SEC.203. (a) The Secretary of the Armed Forces is authorized, without regard to the civil service laws, to appoint not to exceed four special assistants to advise and assist him in the performance of his duties. Each such special assistant shall receive compensation at the rate of \$10,000 a year.

(b) Officers of the Army, Navy and Air Force may be detailed to duty as personal aides and assistants to the Secretary of the Armed Forces, but he shall not establish a military staff.

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## WAR COUNCIL

SEC. 204. There shall be within the Armed Forces establishment a War Council composed of the Secretary of the Armed Forces as Chairman, who shall have power of decision; the Secretary of the Army; the Secretary of the Navy; the Secretary of the Air Force; the Chief of Staff, United States Army; the Chief of Naval Operations; and the Chief of Staff, United States Air Force. The War Council will concern itself with matters of broad policy relating to the armed forces.

## JOINT CHIEFS OF STAFF

SEC. 205. (a) There is hereby established the Joint Chiefs of Staff, which will consist of the Chief of Staff to the President, if there be one; the Chief of Staff, United States Army; the Chief of Naval Operations; and the Chief of Staff, United States Air Force.

(b) Subject to the authority and direction of the Secretary of the Armed Forces, it shall be the duty of the Joint Chiefs of Staff --

(1) to prepare and integrate strategic plans and provide for the strategic direction of all United States military forces;

(2) to prepare joint logistics plans and to assign to the services logistic responsibilities in accordance with such plans;

(3) to establish unified field commands in strategic areas and bases in time of peace and in time of war, when such are in the interest of national security;

(4) to formulate for the military services consistent policies for joint training;

(5) to review major materiel and personnel requirements of all the military forces in accordance with strategic and logistic plans;

(6) to prepare the strategic requirements upon which the military budgets are based;

(7) to provide United States representation on the Military Staff of the United Nations Organization;

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(c) The Joint Chiefs of Staff shall act as the principal military advisors to the Secretary of the Armed Forces and to the President; and shall perform such other duties as they may direct.

#### JOINT STAFF

SEC.206. There shall be, under the Joint Chiefs of Staff, a full time Joint Staff, to consist of not to exceed 100 officers, to be provided in approximately equal numbers from the Army, Navy, and Air Force. The Joint Staff, operating under a Director thereof, shall carry out the policies and directives of the Joint Chiefs of Staff. The Director shall be junior in rank to all members of the Joint Chiefs of Staff.

#### MUNITIONS BOARD

SEC. 207. (a) There is hereby established in the Armed Forces Establishment a Munitions Board, hereinafter in this section referred to as the "Board". Under the direction of the Secretary of the Armed Forces the functions of the Board shall be in general to plan for industrial mobilization and the procurement of military supplies; to coordinate the programs of the departments with those of the National Security Resources Board and other governmental agencies performing functions with respect to the procurement and distribution of supplies, the furnishing of services, or the maintenance of inventories; to maintain information relating to the actual and potential manpower, resources, and productive facilities of the nation; and to promote educational programs designed to provide an adequate supply of trained personnel to conduct the military logistics of the Armed Forces Establishment and to promote educational programs designed to accustom industry to the actual and potential procurement programs of the Military Departments.

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(b) The Board shall be composed of a Chairman (who shall be the head thereof), and an Under Secretary or Assistant Secretary from each of the three military departments and an officer from each of the three military services, to be designated in each case by the Secretaries of their respective departments. The Chairman shall be appointed from civilian life by the President upon the nomination of the Secretary of the Armed Forces and shall receive compensation at the rate of \$50 a day but not to exceed \$14,000 in any one year.

(c) It shall be the duty of the Board under the direction of the Secretary of the Armed Forces and in support of the strategic and logistic plans prepared by the Joint Chiefs of Staff --

(1) to coordinate the appropriate activities of the military departments with regard to industrial matters including the procurement, production, and distribution plans of the three services;

(2) to recommend assignment of procurement responsibilities among the several military services and to plan for standardization of specifications and for the greatest practicable allocation of purchase authority of technical equipment and common use items on the basis of single procurement;

(3) to prepare estimates of potential production, procurement, and personnel for the use in evaluation of the logistic feasibility of strategic operations;

(4) to determine relative priorities of the various segments of the military procurement programs;

(5) to supervise such subordinate agencies as are or may be created to consider the subjects falling within the scope of the Board's responsibilities;

(6) to make recommendations to regroup, combine, or dissolve existing inter-service agencies operating in the fields of procurement, production, and distribution in such manner as to promote efficiency and economy;

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(7) to maintain liaison with other agencies for the proper correlation of military requirements with the civilian economy particularly in regard to the disposition or procurement of strategic and critical material and to maintain adequate reserves of such material and to make recommendations to the National Security Resources Board for establishing adequate reserves as to policies in connection therewith;

(8) to assemble and review material and personnel requirements presented by the Joint Chiefs of Staff and those presented by the production, procurement, and distribution agencies assigned to meet military needs, and to make recommendations thereon to the National Security Resources Board;

(d) Upon the establishment of this Board the Joint Army and Navy Munitions Board shall cease to exist and all its functions, records, and personnel shall be transferred to the Munitions Board.

(e) The Secretary of the Armed Forces shall provide the Board with such personnel and facilities as may be required by the Board for the performance of its functions.

## RESEARCH AND DEVELOPMENT BOARD

SEC.208. (a) There is hereby established in the Armed Forces Establishment a Research and Development Board, hereinafter in this section referred to as the "Board". The membership of the Board shall be composed of a Chairman who shall be the head thereof, and two representatives each from the Departments of the Army, Navy, and Air Force, to be designated by the Secretaries of their respective Departments. The Chairman shall be appointed by the Secretary of the Armed Forces and shall receive compensation at the rate of \$50 a day but not to exceed \$14,000 in any one year. The purpose of the Board shall be to advise the Secretary of the Armed Forces as to the status of scientific research relative to the national security, and to assure adequate provision for research and development on scientific problems relating to the national security.

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(b) It shall be the duty of the Board --

(1) under the direction of the Secretary of the Armed Forces to produce a complete and integrated national program of research and development for military purposes;

(2) to advise the Secretary of the Armed Forces with regard to trends in scientific research relating to national security and the measures necessary to assure continued and increasing progress;

(3) to recommend to the Secretary of the Armed Forces measures of coordination of research and development between the military departments, and allocation between them of responsibilities for specific programs of joint interest;

(4) under the direction of the Secretary of the Armed Forces, to determine the policy of the Armed Forces Establishment in connection with research and development matters involving agencies outside the Armed Forces Establishment;

(5) to consider the interaction of research and development and strategy, and to advise the Joint Chiefs of Staff in connection therewith.

(6) to perform such other duties as the Secretary of the Armed Forces may direct.

(c) Upon the establishment of this Board the Joint Research and Development Board shall cease to exist and all its records and personnel shall be transferred to the Research and Development Board.

(d) The Secretary of the Armed Forces shall provide the Board with such personnel and facilities as may be required by the Board for the performance of its functions.

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TITLE III -- COORDINATION FOR NATIONAL DEFENSE

NATIONAL SECURITY COUNCIL

SEC. 301. (a) There is hereby established an independent agency of the Government to be known as the National Security Council (hereinafter in this section referred to as the "Council"). The function of the Council shall be *to integrate our foreign and military policies and to enable* ~~to provide a means for coordinating and in~~ *the military services and other agencies of government to cooperate more effectively* ~~integrating national security policies.~~ The Council shall be composed *in matters involving our national security.* of the Secretary of State, the Secretary of the Armed Forces, the Secretary of the Army, the Secretary of the Navy, the Secretary of the Air Force, the Chairman of the National Security Resources Board, and such other members as the President may designate from time to time.

(b) In addition to its other meetings the Council shall meet with the President whenever he shall so direct.

(c) In addition to performing such other functions as the President may direct, for the purpose of more effectively coordinating the departments and agencies of the government and their functions relating to the national security and for the purpose of implementing the intent of Congress in this Act, it shall, subject to the direction of the President, be the duty of the Council

(1) to assess and appraise the objectives, commitments, and risks of the United States in relation to our actual and potential military power, in the interests of our national security; and

(2) to consider and establish policies on matters of common interest to the Department of State, the armed forces establishment, the three military departments, and the National Security Resources Board; and to reconcile and coordinate action to be taken in connection therewith.

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(d) Subject to the approval of the President where appropriate, decisions of the Council will establish the approved policy of the departments and agencies represented in the Council. Action taken within any department or agency in the government to implement decisions of the Council will be taken in the name of and in the manner prescribed by the head of such department or agency.

(e) The Council shall have a staff to be headed by an executive secretary who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall receive compensation at the rate of \$12,000 a year. The executive secretary shall prepare the agenda of the Council, and shall have the duty of providing data for its use and distributing its conclusions to the departments and agencies concerned for information and appropriate action. The executive secretary shall perform such other duties as may be prescribed by the Council.

(f) The Council shall, from time to time, make such recommendations and such other reports to the President as it deems appropriate or as the President may require.

#### CENTRAL INTELLIGENCE AGENCY

SEC. 302. (a) There is hereby established under the National Security Council a Central Intelligence Agency with a Director of Central Intelligence, who shall be the head thereof, to be appointed from civilian or military life by the President, by and with the advice and consent of the Senate. The Director shall receive compensation at the rate of \$14,000 a year.

(b) Any commissioned officer of the United States Army, the United States Navy, or the United States Air Force may be appointed to the office of Director; and his appointment to, acceptance of, and service in, such office shall in no way affect any status, office, rank, or grade he may occupy or hold in the United States Army, the United States Navy, or the United States Air Force, or any emolument, perquisite,

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right, privilege, or benefit incident to or arising out of any such status, office, rank, or grade. Any such commissioned officer on the active list shall, while serving in the office of Director, receive the military pay and allowances payable to a commissioned officer of his grade and length of service and shall be paid, from any funds available to defray the expenses of the Agency, annual compensation at a rate equal to the amount by which \$14,000. exceeds the amount of his annual military pay and allowances.

(c) Effective when the Director first appointed under subsection (a) has taken office--

(1) The functions of the National Intelligence Authority (established by directive of the President, dated January 22, 1946) are transferred to the National Security Council, and such Authority shall cease to exist.

(2) The functions of the Director of Central Intelligence, and the functions, personnel, property, and records of the Central Intelligence Group, established under such directive are transferred to the Director of Central Intelligence appointed under this Act and to the Central Intelligence Agency, and such Group shall cease to exist. Any unexpended balances of appropriations, allocations, or other funds available or authorized to be made available for such Group shall be available and shall be authorized to be made available in like manner for expenditure by the Agency.

#### NATIONAL SECURITY RESOURCES BOARD

SEC. 303. (a) There is hereby established a National Security Resources Board, hereinafter in this section referred to as the "Board" to be composed of the Chairman of the Board and such of the heads of the various executive departments and independent agencies as may from time

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to time be designated by the President to be members of the Board. The Chairman of the Board shall be appointed from civilian life by the President, by and with the advice and consent of the Senate, and shall receive compensation at the rate of \$15,000 a year. The same individual may be appointed and serve simultaneously as Chairman of the National Security Resources Board and Chairman of the Munitions Board established under section 207. In such a case he shall receive only the compensation provided for the Chairman of the National Security Resources Board.

(b) It shall be the function of the Board to provide on a national scale and advise the President concerning the general coordination of all military, industrial and civilian mobilization.

(c) It shall be the duty of the Board:

(1) to formulate policies concerning industrial and civilian mobilization in order to assure the most effective mobilization and maximum utilization of the nation's manpower in the event of war;

(2) to develop broad programs for the effective use in time of war of the nation's natural and industrial resources for military and civilian needs, for the maintenance and stabilization of the civilian economy, and for the adjustment of such economy to war needs and conditions;

(3) to formulate policies for unifying, in time of war, the activities of Federal agencies and departments engaged in or concerned with production, procurement, distribution or transportation of military or civilian supplies, materials, and products and to resolve and determine differences between such agencies or departments;

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(4) to prepare an inventory of the natural resources of the nation and adequate information on the manpower, resources and productive facilities of the nation;

(5) to formulate policies for establishing adequate reserves of strategic and critical material, and for the conservation of these reserves;

(6) to make recommendations to appropriate authority regarding the strategic relocation of industries, services and government and economic offices whose continuous operation is essential to the nation's security.

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TITLE IV -- MISCELLANEOUS

SUCCESSION TO THE PRESIDENCY

SEC. 401. The first section of the Act entitled "An Act to provide for the performance of the duties of the Office of President in case of the removal, death, resignation, or inability both of the President and of the Vice-President", approved January 19, 1886 (24 Stat.1), is amended (1) by striking out "Secretary of War," and inserting in lieu thereof "Secretary of the Armed Forces", and (2) by striking out "or if there be none, or in case of his removal, death, resignation, or inability, then the Secretary of the Navy".

COMPENSATION OF SECRETARIES

SEC. 402. The Secretary of the Armed Forces, the Secretary of the Army, the Secretary of the Navy, and the Secretary of the Air Force shall each receive the compensation prescribed by law for heads of executive departments who are members of the President's cabinet.

ADVISORY COMMITTEES AND PERSONNEL

SEC. 403. (a) The National Security Council, the Secretary of the Armed Forces, the Chairman of the National Security Resources Board, and the Director of the Central Intelligence Agency, respectively, are authorized to appoint such advisory committees and to employ such part-time advisory personnel as they may deem necessary or appropriate to aid in carrying out their respective functions and the functions of agencies under their control. Persons holding other offices or positions, under the United States for which they receive compensation while serving as members of such committees, shall receive no additional compensation for

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such service. Other members of such committees and other part-time advisory personnel so employed may serve without compensation or may receive compensation at a rate not to exceed \$50 for each day of service, as determined by the appointing authority.

(b) Members of such advisory committees and other part-time personnel employed under this section may serve as such without regard to sections 109 and 113 of the Criminal Code (U.S.C., Title 18, Secs. 198 and 203), and section 19 (c) of the Contract Settlement Act of 1944 (U.S.C., Title 41, Sec. 119), except in so far as such sections may prohibit any such person from receiving compensation in respect of any particular matter which directly involves a department or agency which such person is advising or in which such department or agency is directly interested.

(c) The Secretary of the Armed Forces, the Secretary of the Air Force, the executive Secretary of the National Security Council (subject to the direction of such Council), and the Chairman of the National Security Resources Board, are each authorized to appoint and fix the compensation of such personnel as may be necessary to perform their respective duties, and the functions of agencies under their control.

(d) All transfers of civilian personnel under this Act shall be without change in classification or compensation, but the head of any department or agency to which such a transfer is made is authorized to make such changes in the titles and designations and prescribe such changes in the duties of such personnel commensurate with their classification as he may deem necessary and appropriate.

#### SAVING PROVISIONS

SEC. 404. (a) All laws, orders, regulations, and other actions applicable with respect to any function, activity, personnel, property, records, or other thing transferred under this Act, or with respect to any officer, department, or agency from which such transfer is made, shall, except to the extent rescinded, modified, superseded, or made inapplicable by or under authority of law, have the same effect as if

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such transfer had not been made; but, after any such transfer, any such ~~state~~ order, regulation, or other action which vested functions in or otherwise related to any officer, department, or agency from which such transfer was made, shall, insofar as applicable with respect to the function, activity, personnel, property, records, or other thing transferred and to the extent not inconsistent with other provisions of this Act, be deemed to have vested such function in or relate to the officer, department, or agency to which the transfer was made.

(b) No suit, action, or other proceeding lawfully commenced by or against the head of any department or agency or other officer of the United States, in his official capacity or in relation to the discharge of his official duties, shall abate by reason of the taking effect of any transfer or change in title under the provisions of this Act; but, in the case of any such transfer, such suit, action, or other proceeding may be maintained only by or against the successor of such head or other officer under the transfer, and only if the court shall allow the same to be maintained on motion or supplemental petition filed within twelve months after such transfer takes effect, showing a necessity for the survival of such suit, action, or other proceeding to obtain settlement of the questions involved.

#### TRANSFER OF FUNDS

SEC. 405. All unexpended balances of appropriations, allocations, or other funds available for use by or on behalf of the Army Air Forces or officers thereof, shall be transferred to the Department of the Air Force for use in connection with the exercise of its functions. Such unexpended balances so transferred may be used for the purposes for which the appropriations, allocations, or other funds were originally made available, or for new expenditures occasioned by the enactment of this Act. The transfers herein authorized may be made with or without warrant action as may be appropriate from time to time from any appropriation covered by

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this section to any other such appropriation or to such new accounts established on the books of the Treasury as may be determined to be necessary to carry into effect the provisions of this Act.

REPEAL OF ACT OF AUGUST 29, 1916

SEC.406. The Act of August 29, 1916 (39 Stat. 649) providing for the Council of National Defense is hereby repealed. All of the functions, duties, and powers vested in the Council of National Defense by section 8 of the Federal Explosives Act of October 6, 1917, as amended, and temporarily transferred to and vested in the Secretary of the Interior by Executive Order numbered 9287, dated December 24, 1942, shall remain vested in the Secretary of the Interior, to be exercised as provided in such Executive Order.

DEFINITION

SEC.407. As used in this Act the term "function", includes functions, powers, and duties.

SEPARABILITY

SEC.408. If any provision of this Act or the application thereof to any person or circumstances is held invalid, the validity of the remainder of the Act and of the application of such provision to other persons and circumstances shall not be affected thereby.